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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,827	10/14/2003	Terry J. Stineman	040158 144P2	5263
7590	09/29/2004			EXAMINER PETRAVICK, MEREDITH C
Timothy D. Bennett Brouse McDowell, LPA 500 First National Tower 106 S. Main Street Akron, OH 44308-1471			ART UNIT 3671	PAPER NUMBER
DATE MAILED: 09/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/685,827	STINEMAN, TERRY J. <i>M</i>	
	Examiner Meredith C Petrvick	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/11/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a. Page, line 26 states that pulley 54 is in Figure 2. However, the drive pulley is not labeled in Figure 2.
 - b. Page 5, line 1, the slack portion of the belt is labeled 38 and should be 76.
 - c. Page 5, line 3, the tension portion of the belt is labeled 76 and should be 38.
 - d. Page 6, line 23, “34” does not point to a groove in the figures.

Appropriate correction is required.

Claim Objections

2. Claim 7 is objected to because of the following informalities: Claim 7 states that first and second pulley arms are connected to first and second blade pulleys. “Blade” should be --idler--. The only pulley arms disclosed in the specification are connected to the idler pulleys. For the purpose of examination on the merits, it is assumed that applicant meant idler pulley.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. US2002/0039942 A2, cited by applicant, in view of Kuhn et al., 5,769,747, cited by applicant.

Liu et al. discloses a transmission belt system that is used to deliver power to various accessories (paragraph 4). The system improves the transmission by providing vibration dampening (paragraph 9-10). The drive system includes:

- a drive pulley (14) connected to an engine (12)
- a belt (30) connected the drive pulley to accessory pulleys
- a vibration damping mechanism including a first idler pulley (28) and a second idler pulley (29)

The first idler pulley is connected to the slack portion of the belt and the second idler pulley is connected to the tension portion of the belt (fig. 1)

However, Liu et al. does not disclose using the system on a lawn mower.

Like Liu et al., Kuhn et al. discloses a transmission belt system. Unlike Liu et al., Kuhn et al. discloses using the belt transmission on a lawn mower. The transmission includes blade pulleys (8) that are driven from a drive pulley (24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the transmission belt system in Liu et al. on a lawn mower as in Kuhn et al., as one known use for a transmission belt system.

Regarding claims 2-6, 8, 10-14 and 16 Liu et al. discloses a biasing means, which is a spring (50), connected between the idler pulleys. Since the biasing means is the same, they have equivalent force.

Regarding claims 7, Liu et al. discloses pulley arms (fig. 2) with holes that are capable of receiving a tool.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C Pet travick whose telephone number is 703-305-0047. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B Will can be reached on 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Meredith C Pet travick
Patent Examiner
Art Unit 3671

September 24, 2004